

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/KY/C/2016/000240

Appellant : Shri Awadhesh Kumar Pandey
Ekta Nagar, P.O. Anaith, District Aara
Bhojpur, Bihar-802302

Public Authority : The CPIO
M/o Consumer Affairs
Food Corporation of India, Regional Office,
Exhibition Road, Arunachal Bhawan,
Patna, Bihar-800001

Date of Hearing : 22.08.2016
Date of Decision : 22.08.2016

Presence:

Appellant : Shri Awadhesh Kumar Pandey
CPIO : Shri Surinder Singh, AGM & CPIO

FACTS:

- I. Vide RTI application dated **30.05.2014**, the appellant sought information on **2 issues**.
- II. CPIO, vide its response dated **06.06.2014 & 16.06.2014**, has provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **03.06.2014**, as desired information not provided.
- IV. First Appellate Authority (FAA) order is not on record.
- V. Grounds for the Complaint filed on **25.05.2015**, are contained in the Memorandum of Complaint.

HEARING

Appellant as well as respondent appeared before the Commission personally and made the submissions at length.

DECISION

During hearing of the appeal, it is submitted by the appellant that his so called complaint may be treated as a second appeal. On this appellant has also given his handwritten letter dated **22.08.2016**, requesting thereby that his complaint be treated as a second appeal & not complaint. Thus, it is being dealt with as **second appeal** and not as complaint.

2. It would be seen here that the appellant, vide his RTI Application dated **30.05.2014**, sought information from the respondents on **2 issues**. Respondents, vide their response dated **06.06.2014 & 16.06.2014**, allegedly provided the **vague & irrelevant** information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **03.06.2014** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**. Hence, a Second Appeal before this Commission.
3. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **30.05.2014**, respondent's response dated **06.06.2014 & 16.06.2014**, other material made available on record and also the grounds of memorandum of second appeal.
4. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than twenty-six months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that it would be appropriate and even justified to allow the appellant's **second appeal in toto instead of remanding back to learned FAA for disposal of FA which is even more time consuming**. Therefore, it is allowed in toto.
5. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, to the appellant as per his RTI application, **in accordance with the provisions of RTI Act 2005**, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 may also be invoked in the matter.**

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

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